

Nathan Ochsner, Clerk

Management, Inc., Credit Suisse Asset Management, LLC, Boston Management and Research, Eaton Vance Management, and Barings LLC (collectively, the “**PTL Lenders**”), and (3) Defendants AG Centre Street Partnership L.P., AG Credit Solutions Non-ECI Master Fund, L.P., AG SF Master (L), L.P., AG Super Fund Master, L.P., Silver Oak Capital, L.L.C., Ascribe III Investments, LLC, Columbia Cent CLO 21 Limited, Columbia Cent CLO 27 Limited, Columbia Floating Rate Income Fund, a series of Columbia Funds Series Trust II, Columbia Strategic Income Fund, a series of Columbia Funds Series Trust I, Contrarian Capital Fund I, L.P., Contrarian Centre Street Partnership, L.P., Contrarian Distressed Debt Fund, L.P., Gamut Capital SSB, LLC, LCM XXII Ltd., LCM XXIII Ltd., LCM XXIV Ltd., LCM XXV Ltd., LCM 26 Ltd., LCM 27 Ltd., LCM 28 Ltd., North Star Debt Holdings, L.P., Shackleton 2013-III CLO, Ltd., Shackleton 2013-IV-R CLO, Ltd., Shackleton 2014-V-R CLO, Ltd., Shackleton 2015-VII-R CLO, Ltd., Shackleton 2017-XI CLO, Ltd., Z Capital Credit Partners CLO 2018-1 Ltd., and Z Capital Credit Partners CLO 2019-1 Ltd. (collectively, the “**Defendants**”). Serta Simmons Bedding, the PTL Lenders, and the Defendants are collectively referenced herein as the “**Parties.**”

WHEREAS, on April 24, 2023 at 2:00 p.m. (Central Time), the Court held a hearing (the “**Scheduling Hearing**”) on the *Emergency Motion for Entry of an Order (I) Approving Plaintiffs’ Proposed Discovery Schedule, and (II) Limiting Depositions, Or In the Alternative, to Schedule a Status Conference* (Docket No. 164), in which the Court set certain dates for the above-captioned adversary proceeding and chapter 11 cases;

WHEREAS, on April 25, 2023, Serta Simmons Bedding entered the Notice of Adjournment of Hearing on Debtors’ Request for Confirmation of Joint Chapter 11 Plan of Serta

Simmons Bedding, LLC and Its Affiliated Debtors (the “**Scheduling Notice**”), confirming the dates set in the Scheduling Hearing;

WHEREAS, pursuant to the Court’s decision in the Scheduling Hearing, as stated in the Scheduling Notice, the trial in the above-captioned adversary proceeding (the “**Adversary Proceeding Trial**”) is scheduled to commence on May 15, 2023 at 9:30 a.m. (Central Time);

WHEREAS, in order to bifurcate the issue of damages from the issues of liability in the upcoming Adversary Proceeding Trial, the parties have agreed to enter into this Stipulation.

NOW, THEREFORE, the Parties, by and through their respective undersigned counsel, hereby stipulate and agree as follows:

1. The Parties agree to bifurcate the issue of damages from that of liability in the Adversary Proceeding Trial, such that the proceeding scheduled to commence on May 15, 2023 at 9:30 a.m. (Central Time) will address only the issue of liability and the Parties shall present evidence only on issues of liability. The initial phase of the Adversary Proceeding Trial will hereafter be referred to as the “**Liability Phase**.”

2. The Plaintiffs agree that they shall not argue that the Defendants’ failure to present evidence of damages at the Liability Phase is a basis for any court to conclude that the Plaintiffs should prevail on their declaratory judgment claims, or on Defendants’ counterclaims at the Liability Phase.

3. This Stipulation will be binding and effective upon execution by the Parties hereto. This Stipulation may not be amended or modified without the written consent of the Parties. This Stipulation may be executed in counterparts by facsimile or other electronic transmission, each of

which will be deemed an original, and all of which when taken together will constitute one document.

4. Except as expressly set forth in paragraphs 1, 2, and 3 above, nothing herein shall (or shall be deemed to), modify any rights, claims, defenses, offsets, or causes of action any Parties may have in the above-captioned adversary proceeding or chapter 11 proceedings.

It is so **ORDERED**.

Signed: May 04, 2023.



DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE

Dated: May 4, 2023
New York, NY

/s/ David J. Lender

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**admitted pro hac vice*

Certificate of Service

I hereby certify that on May 4, 2023, a true and correct copy of the foregoing document was served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas, and will be served as set forth in the Affidavit of Service to be filed by the Debtors' claims, noticing, and solicitation agent.

/s/ Luna N. Barrington
Luna N. Barrington